

FISH & WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: May 22, 2014

Agenda Item: Blackfoot River at I-90 Bridge Closure Rule

Division: Fisheries

Action Needed: Final Action

Time Needed on Agenda for this Presentation: 10 minutes

Background

In March the F&W Commission proposed a biennial rule that would close the Blackfoot River from Weigh Station Fishing Access Site to the downstream side of the I-90 bridges to floating and swimming from May 1 through June 30. The rule would also allow FWP, with approval by the local Commissioner, to temporarily close the river there between July 1 and April 30, if river conditions present a significant public safety concern. This section of the river has been closed to all floaters and swimming since the summer of 2006 due to numerous man-made hazards associated with the Milltown Dam Superfund site and removal of Stimpson Dam, including thousands of saw logs and debris such as saw blades. On April 11, the Commission amended the closure to allow public occupation of the banks for recreation. Boating, floating and swimming remained prohibited due to ongoing safety concerns. Cleanup efforts in the river have progressed. FWP and other state agencies (DEQ, MDT, NRDP) are still pursuing a long-term solution that will address safety concerns related to the I-90 bridge piers. The river, constricted by rip-rap under the bridge, generates turbulent hydraulics during higher flows as it passes by the bridge piers. The river is also expected to continue adjusting its bed elevation after removal of the dams, which could reveal more logs and debris during high flows. The proposed rule is a temporary solution that would allow use of this section of river when flows are generally low enough to reduce danger in the area.

Public Involvement Process & Results

FWP received 40 comments, including 16 in support of the closure rule as proposed. Another six in support of a closure with requests it be flow-based rather than calendar-based. The remaining 18 comments were in opposition and noted that all rivers are dangerous and that it is the user's responsibility to determine whether they are skilled enough for the conditions (not FWP).

Alternatives and Analysis

The Commission could adopt a rule that retains a closure of the river year-round until a long-term solution to the bridge piers is identified. The Commission could also allow the current rule to expire with no further action.

Agency Recommendation & Rationale

FWP recommends that the Commission adopt the rule as originally proposed with a few amendments to include language further clarifying the source of the hazardous conditions and to allow FWP to open the river prior to June 30 if annual high river flows associated with spring run-off have decreased sufficiently and are unlikely to increase again before May 1 of the following year. This would enhance recreation opportunities if conditions have improved.

Proposed Motion

I move that the Commission adopt a biennial rule closing the Blackfoot River from Weigh Station FAS to the downstream side of the I-90 bridges from May 1 through June 30, with authority granted to FWP to close the river outside of this time period for significant public safety reasons, and to open the river during the closure period if flows have decreased sufficiently.